### SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

**SUBJECT:** SCC Foundation OP (Office) Zoning Site Plan

**DEPARTMENT:** Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Dori DeBord CONTACT: lan Sikonia EXT: 7398

### MOTION/RECOMMENDATION:

- 1. Approve the requested SCC Foundation Site Plan on approximately 4.84 acres, located on the southeast corner of the intersection of College Drive and Lake Mary Boulevard, per staff findings (Bryan Potts, applicant); or
- 2. Deny the requested SCC Foundation Site Plan on approximately 4.84 acres, located on the southeast corner of the intersection of College Drive and Lake Mary Boulevard, and authorize the Chairman to execute the Denial Development Order (Bryan Potts, applicant); or
- 3. Continue the item to a time and date certain.

District 5 Brenda Carey

Ian Sikonia

### **BACKGROUND:**

The SCC Foundation rezone was approved at the March 25, 2008 Board of County Commissioners meeting. Condition "G" of the approved Development Order states that the engineered site plan must be brought back to the Board of County Commissioners for their review and approval.

The engineered Site Plan shows two buildings containing 44,610 square feet and house a bank and an office. There are two access points proposed along College Drive and a right-in only on W. Ridge Drive. The plan also proposes non-vehicular access through the use of sidewalk connections and a bicycle rack. The engineered Site Plan complies with the Seminole County Land Development Code and the approved Development Order.

### STAFF RECOMMENDATION:

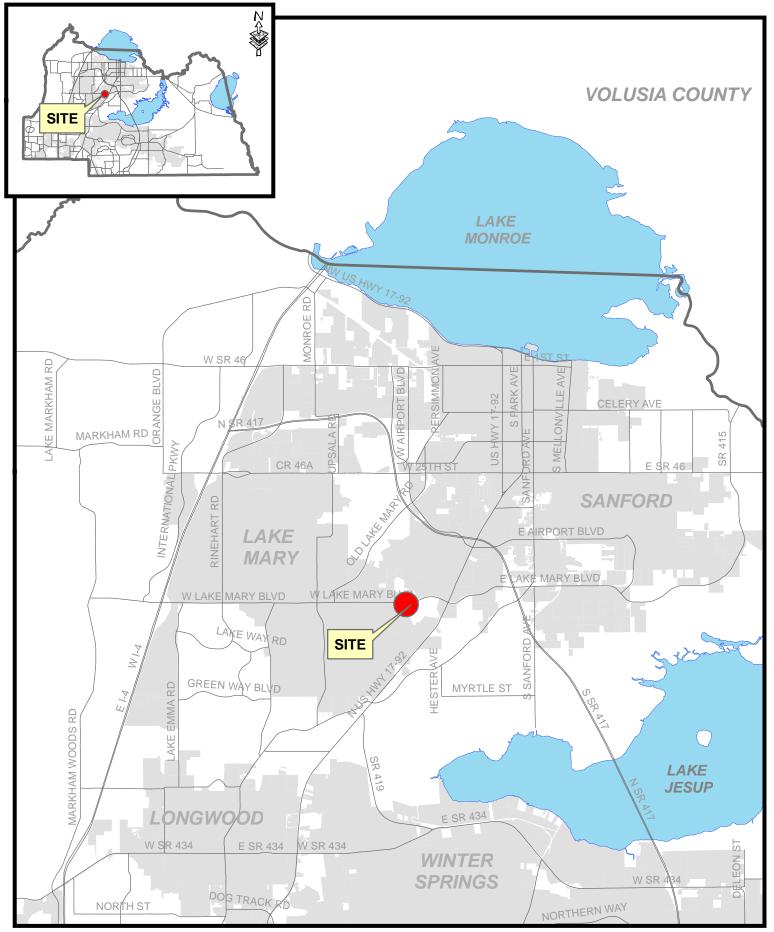
Staff recommends that the Board approve the requested SCC Foundation Site Plan on approximately 4.84 acres, located on the southeast corner of the intersection of College Drive and Lake Mary Boulevard, per staff findings.

### **ATTACHMENTS:**

- 1. Location Map
- 2. Aerial Map
- 3. SCC Foundation Engineered Site Plan (Part 1)
- 4. SCC Foundation Engineered Site Plan (Part 2)
- 5. 3-25-08 SCC Foundation Development Order
- 6. 3-25-08 SCC Foundation Site Plan
- 7. 3-25-08 BCC Minutes
- 8. Denial Development Order (applicable only if denied)

### **Additionally Reviewed By:**

County Attorney Review (Kathleen Furey-Tran)



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# SCC FOUNDATION OFFICE

REVISIONS PER COUNTY & CITY COMMENTS

DATE 8Y COMMENTS

## **CONSTRUCTION PLANS**

arcel ID # 14-20-30-502-0C01-0000 and Lake Mary Blvd and College Drive 14-20-30-502-0C03-0000 Sanford, Florida

SEMINOLE COUNTY, FLORIDA

LAKE MARY BLVD & COLLEGE DR

SCC FOUNDATION OFFICE

COVER SHEET

PREPARED FOR:

SCC Foundation

CONTACT: Kim Golab 100 Weldon Blvd Sanford, FL 32773

FI' CEBT. OF AUTH. #27199 www.tannathdeslgn.com 208-1425 fax

5494 ROSE SPRING DRIVE

TANNATH DESIGN, INC.

8786-288 (404)

BURKE, HOUGE AND MILLS 1130 BUSINESS CENTER DR LAKE MARY, FLORIDA 32746 (407) 333-2005 CONTACT: Jery Mills

TANNATH DESIGN, INC. 2494 ROSE SPRING DRIVE ORLANDO, FL 32825 (407) 982-9878 (407) 208-1425 fax CONTACT: Bryan Potts, P.E.

ARCHITECT:

**ENGINEER**:

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SURVEYOR:
DOUDNEY COMPANIES, INC.
200 E COMMERCIAL ST
SANFORD, FLORIDA 32771
(407) 322-1451
CONTACT: David Doudney

LANDSCAPE ARCHITECT

LANDSCAPE DESIGNS, LLC 4465 GABRIELLA LANE

(407) 484-3414 (407) 671-1604 fax CONTACT: Carl Kelly, L.A. WINTER PARK, FL 32792

INDEX OF DRAWINGS																			
	X OF DRAWINGS		COVER SHEET	EXISTING SITE CONDITIONS	DEMOLITION PLAN	EROSION CONTROL PLAN	SITE PLAN	DRAINAGE PLAN	UTILITY PLAN	RIDGE DR CROSS SECTIONS	EROSION CONTROL DETAILS	PAVING DETAILS	DRAINAGE DETAILS	UTILITY DETAILS	PHOTOMETRIC PLAN	ш	TREE PRESERVATION PLAN	LANDSCAPE SITE PLAN	IRRIGATION SITE PLAN
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INDEX OF DRAWINGS		COVER SHEET	EXISTING SITE CONDITIONS	DEMOLITION PLAN	EROSION CONTROL PLAN	SITE PLAN	DRAINAGE PLAN	UTILITY PLAN	RIDGE DR CROSS SECTIONS	EROSION CONTROL DETAILS	PAVING DETAILS	DRAINAGE DETAILS	UTILITY DETAILS	PHOTOMETRIC PLAN	ш	TREE PRESERVATION PLAN	LANDSCAPE SITE PLAN	IRRIGATION SITE PLAN	
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DATE

FL, REG, #59461

033-001

PROJECT #:

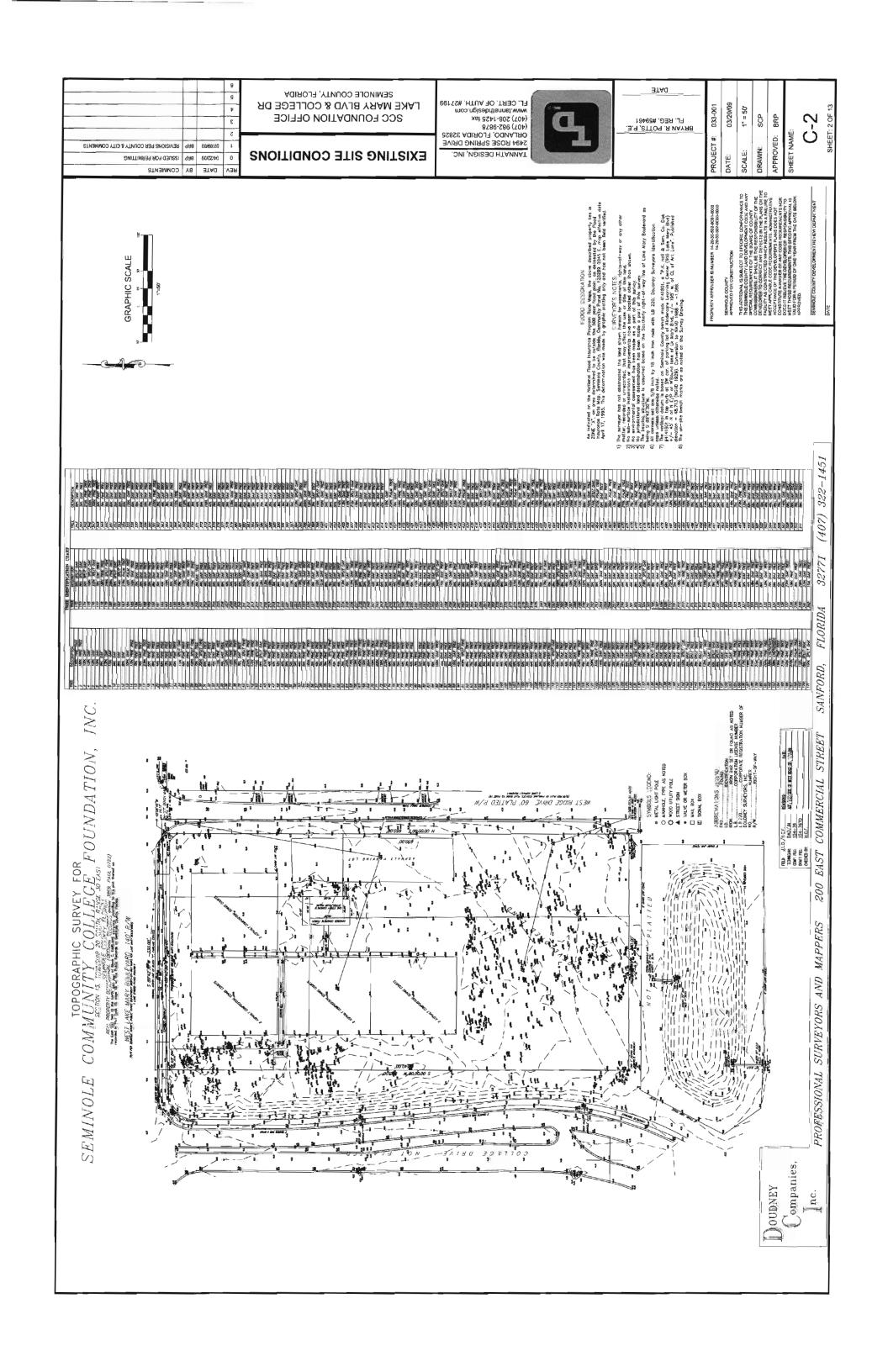
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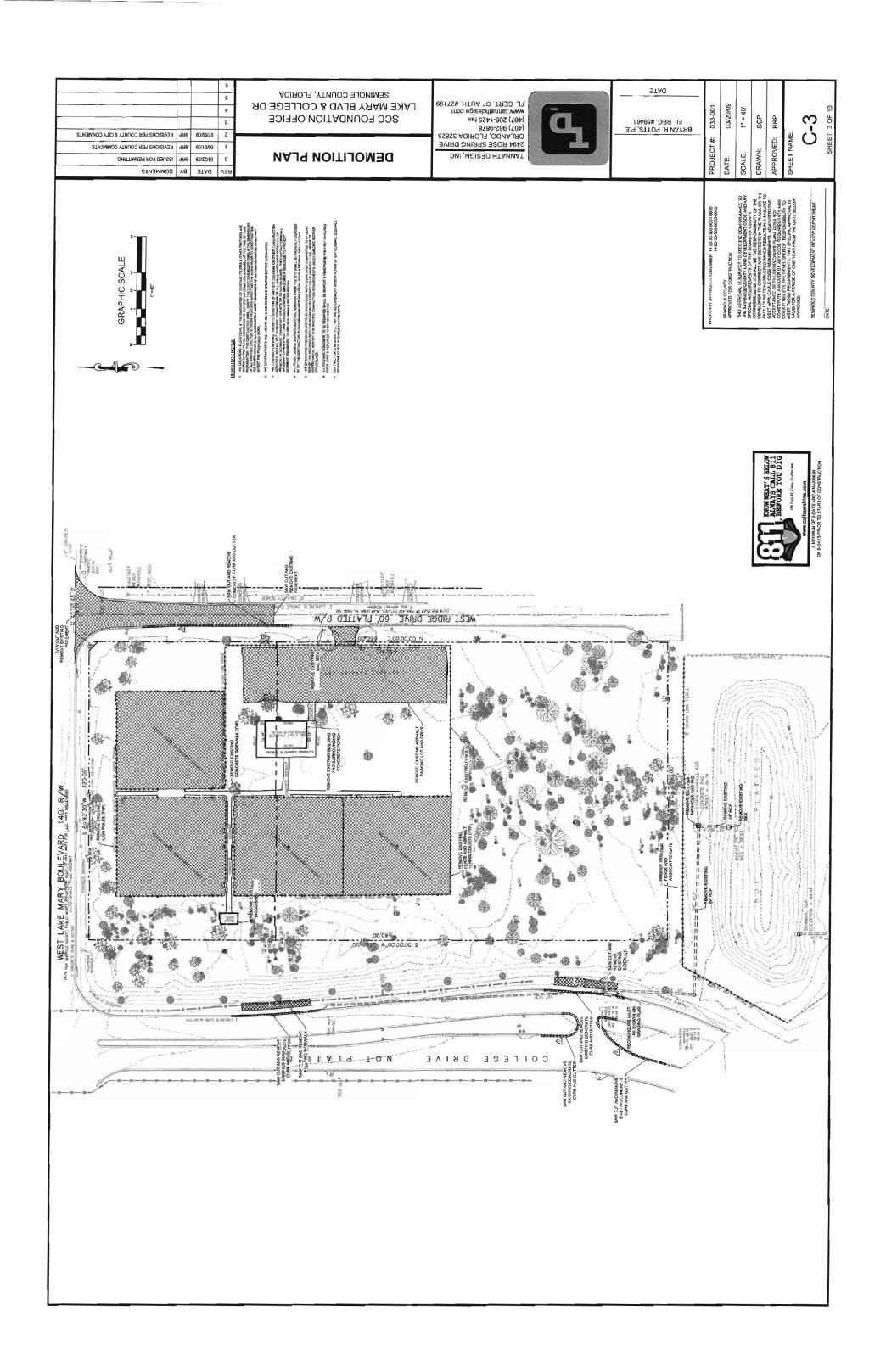
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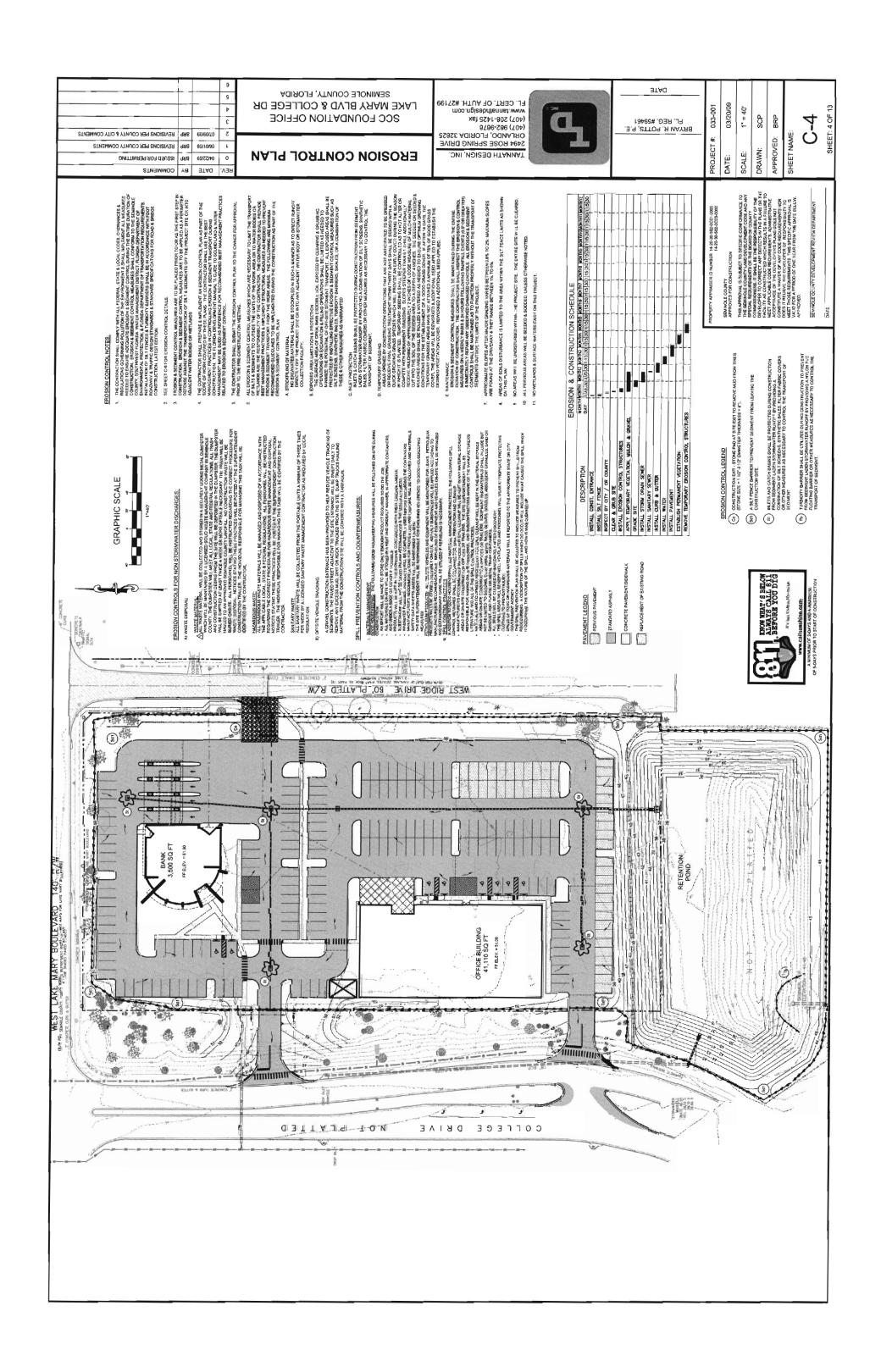
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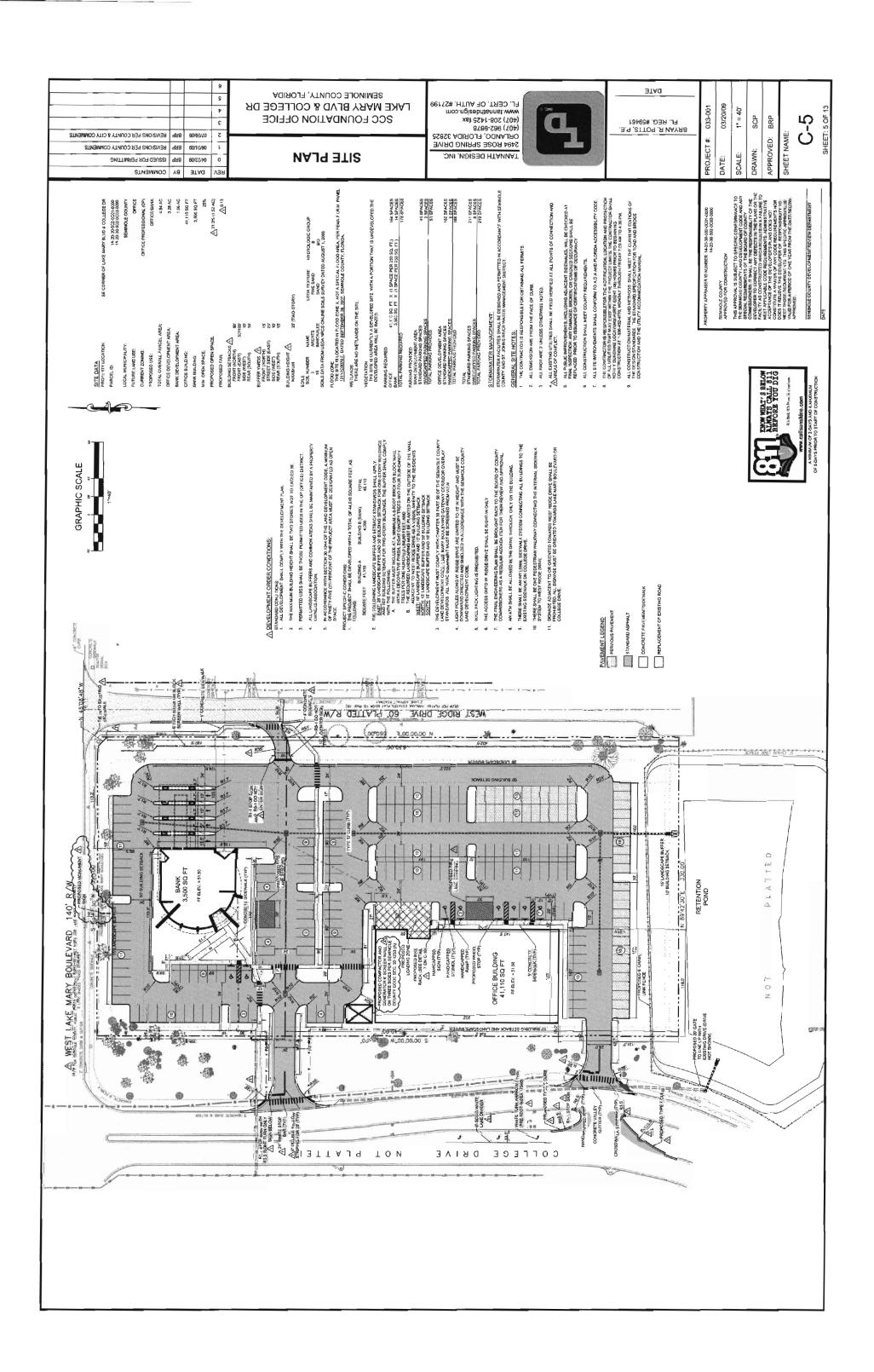
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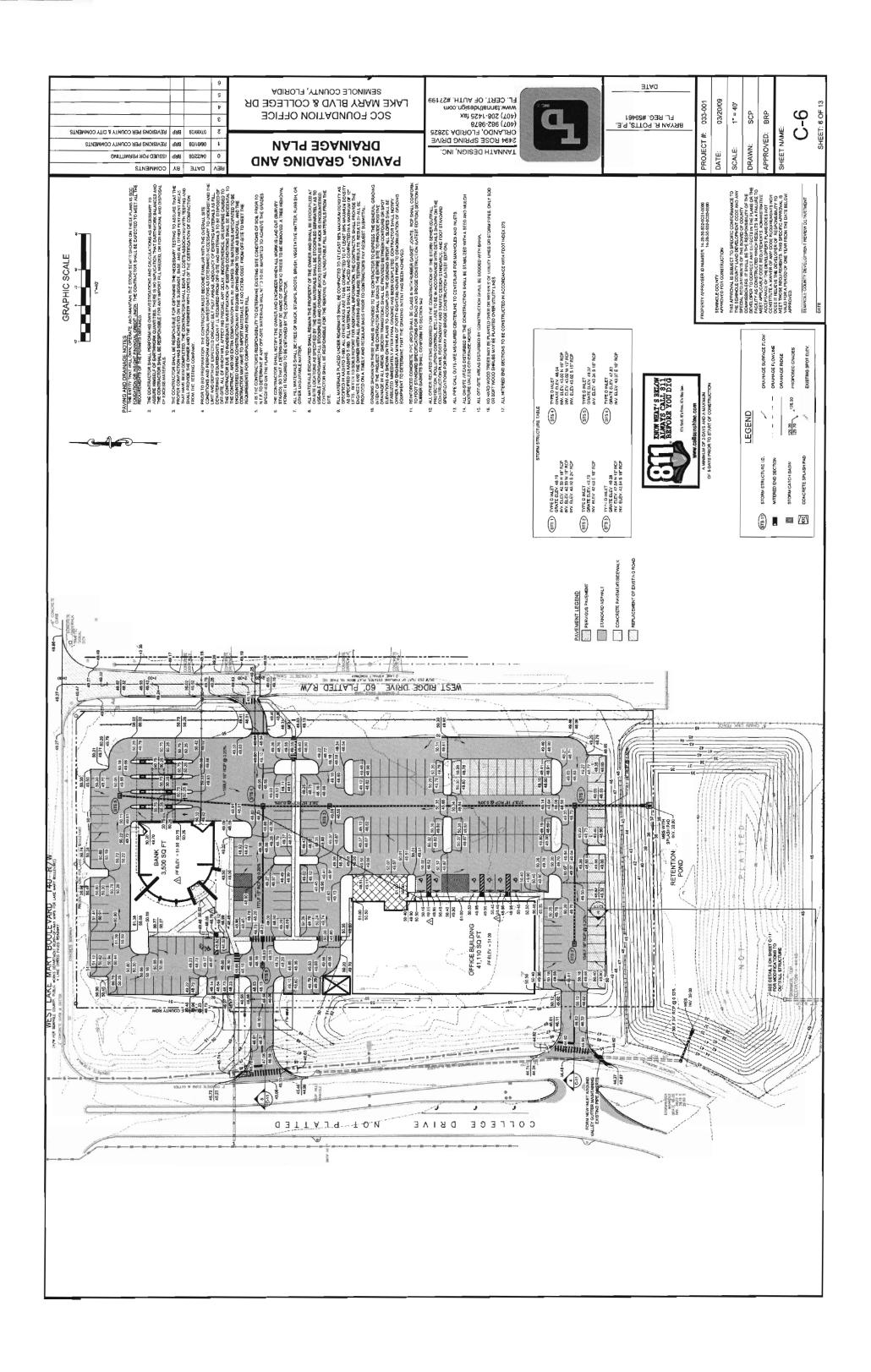
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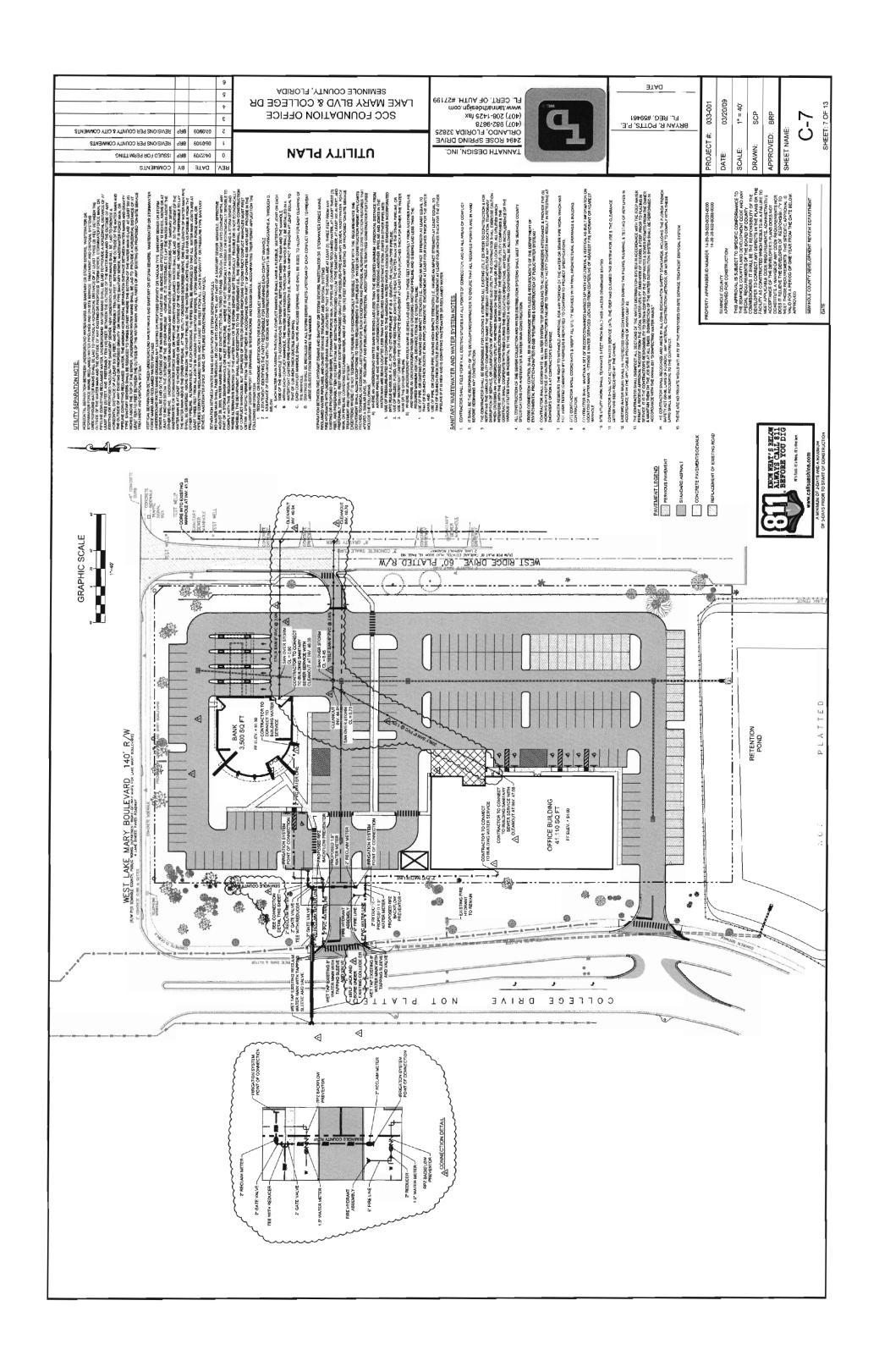








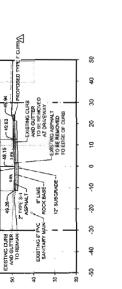




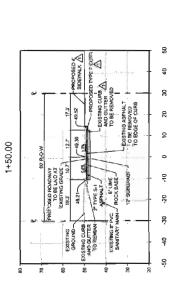
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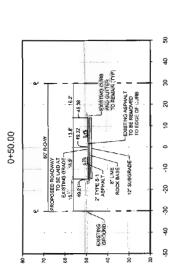
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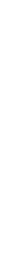
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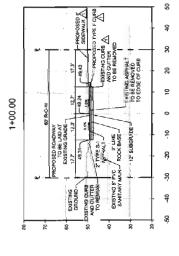
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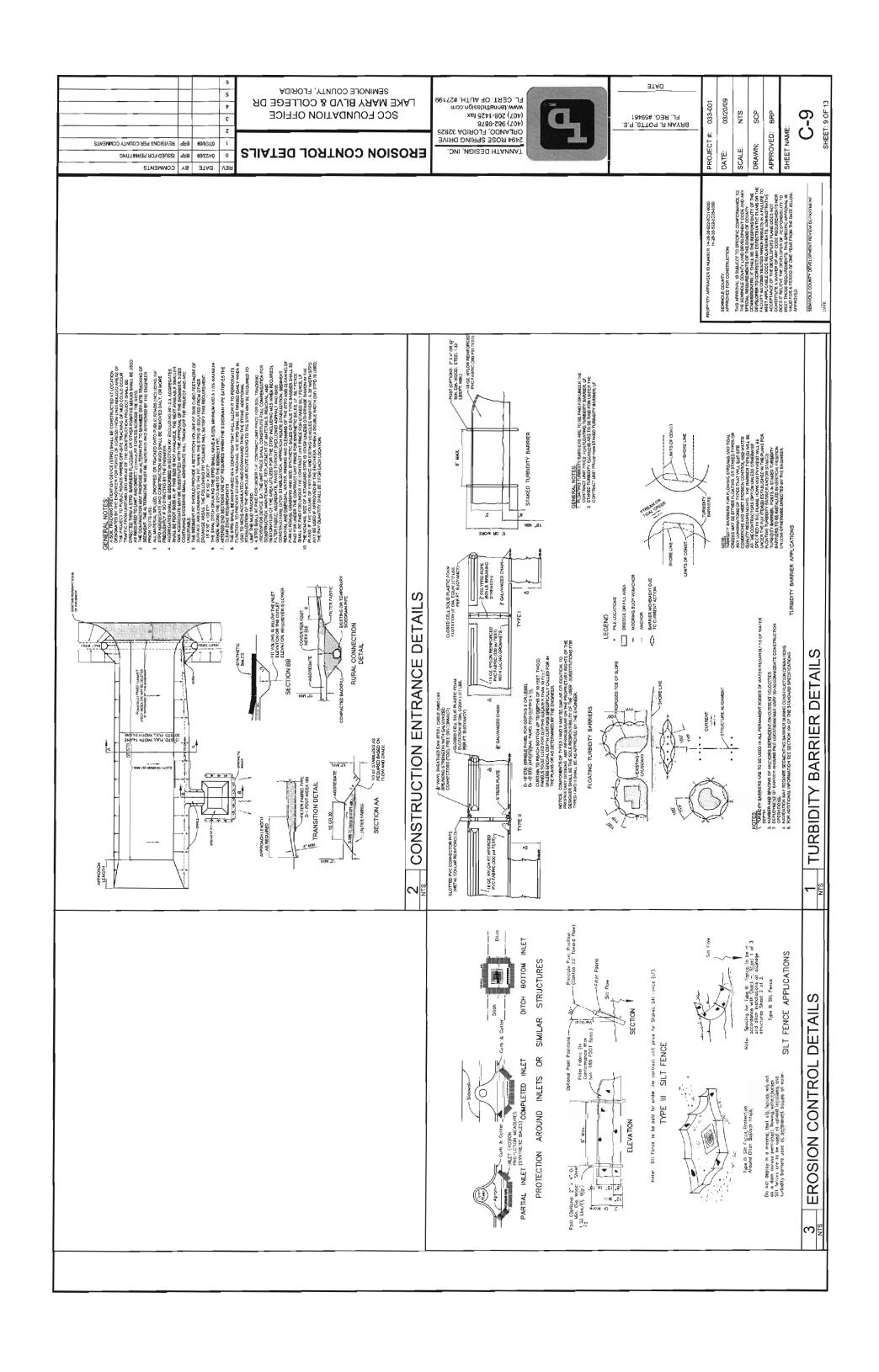
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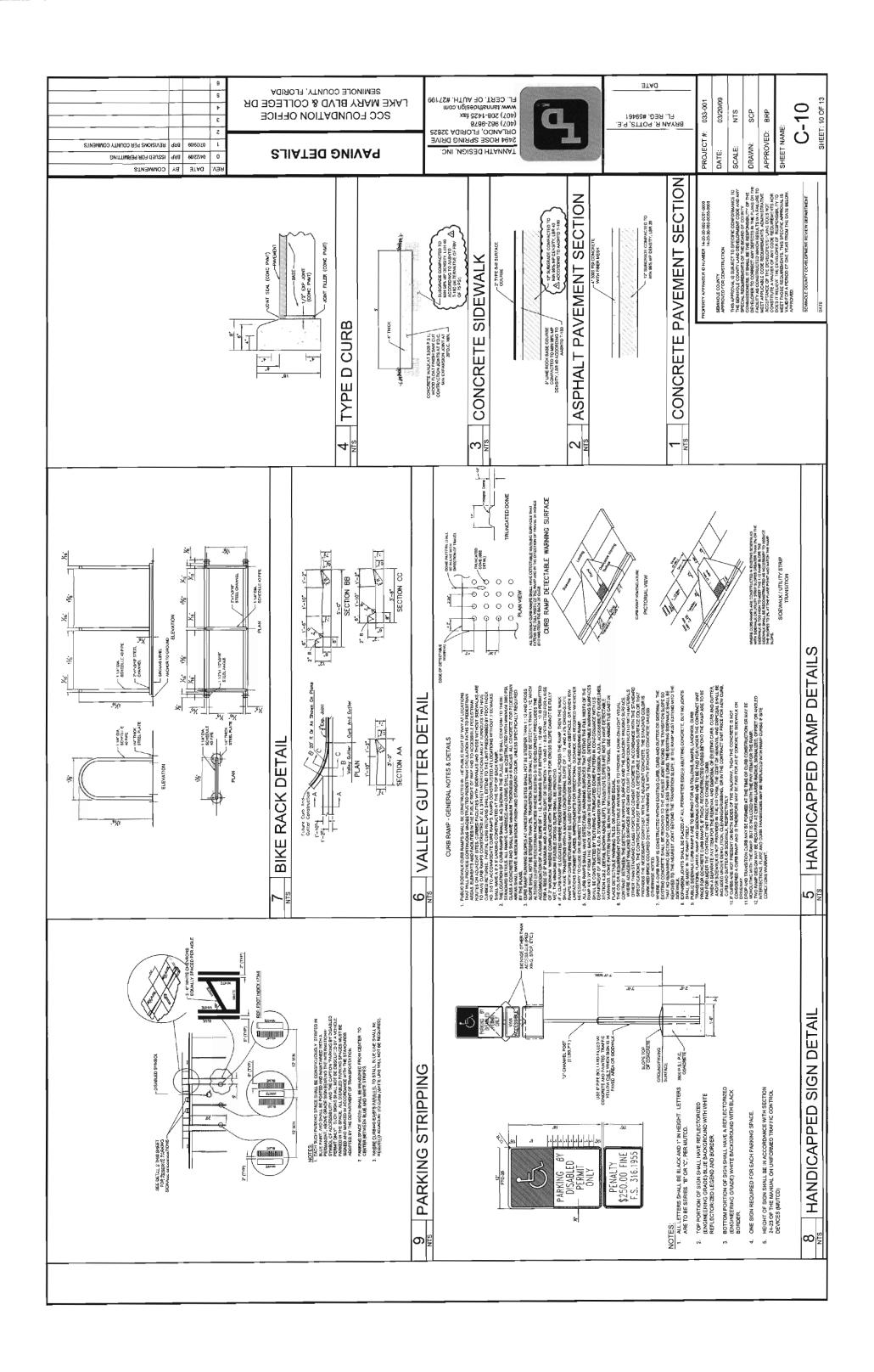
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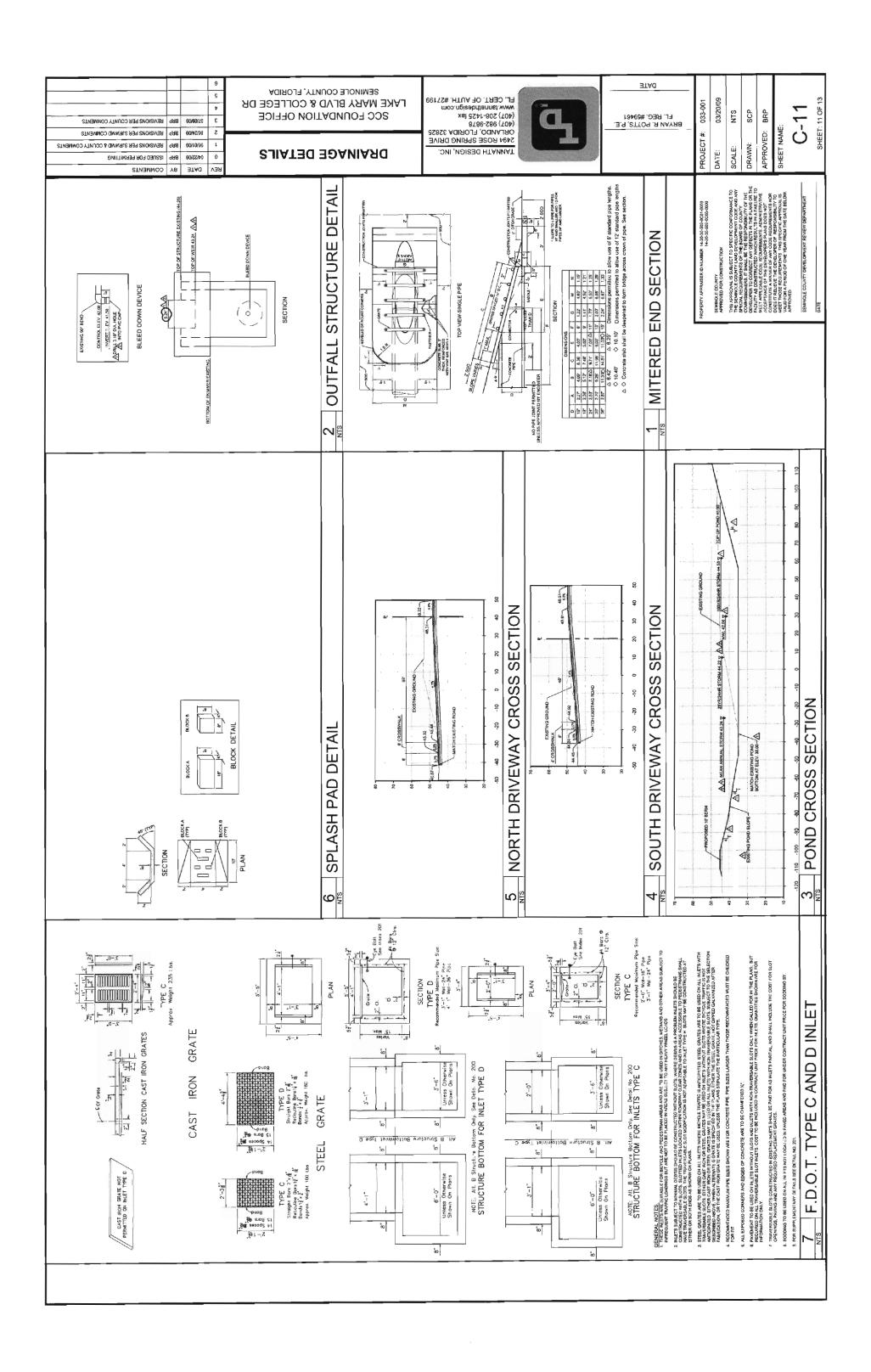


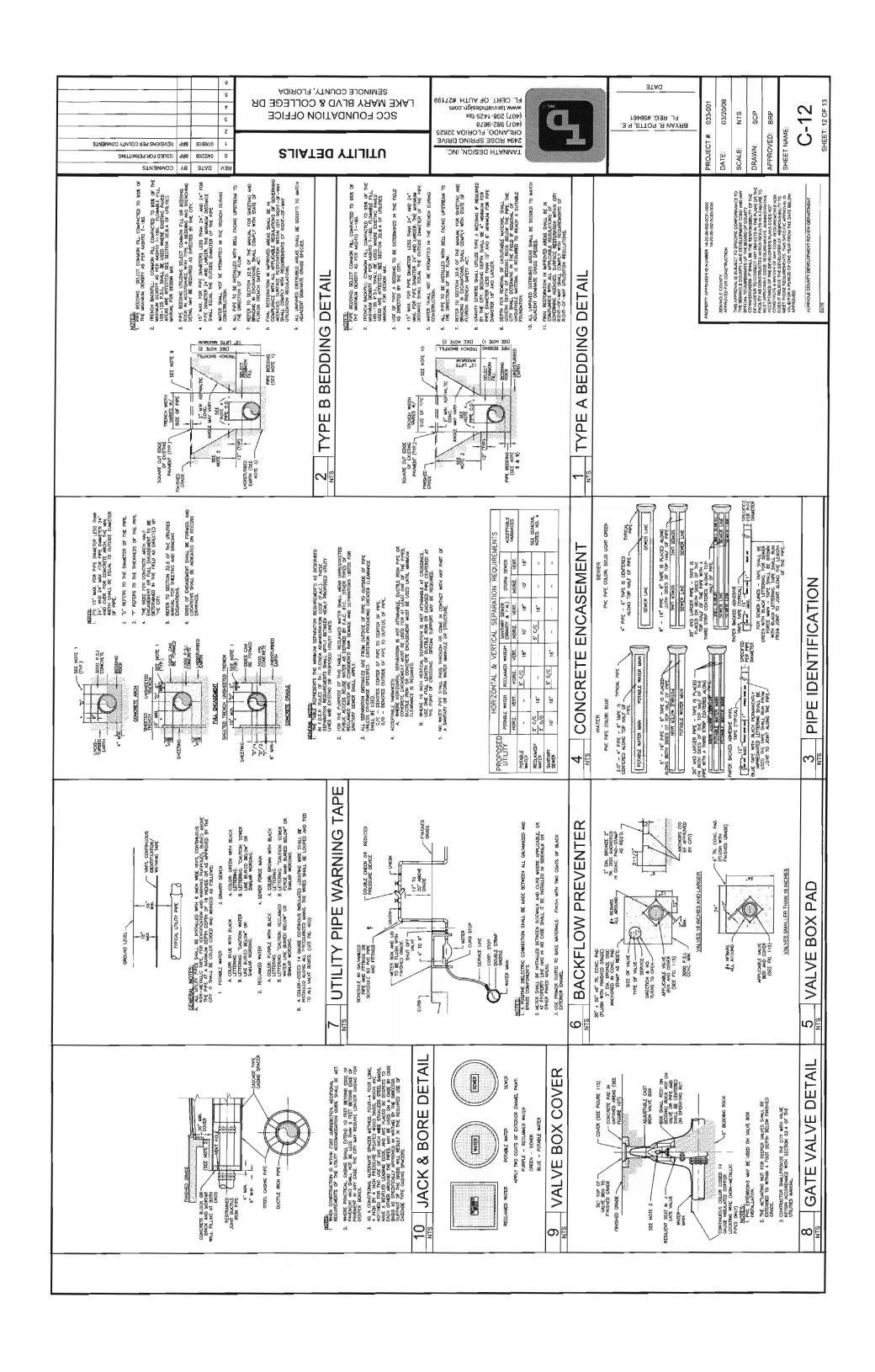


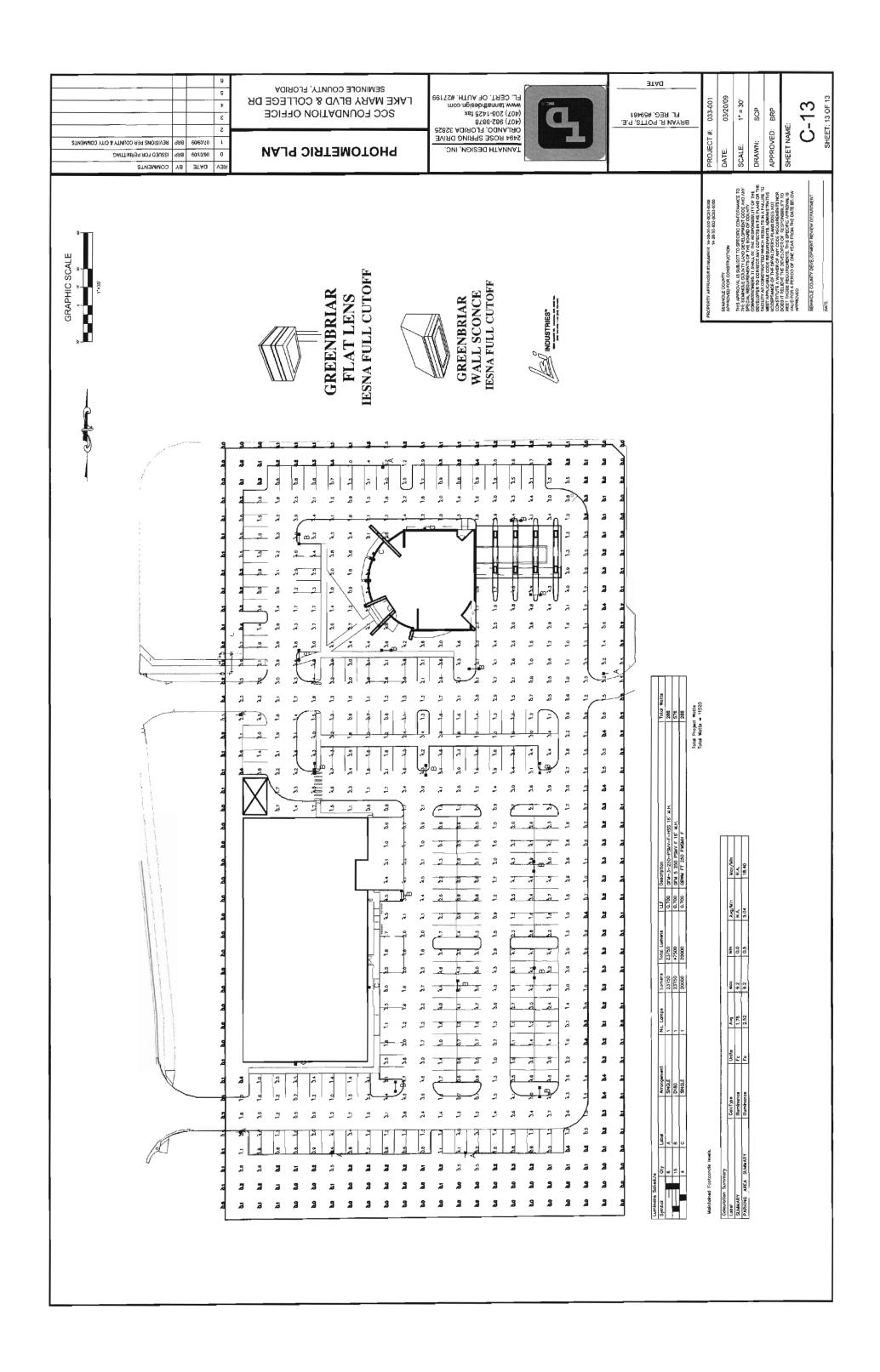


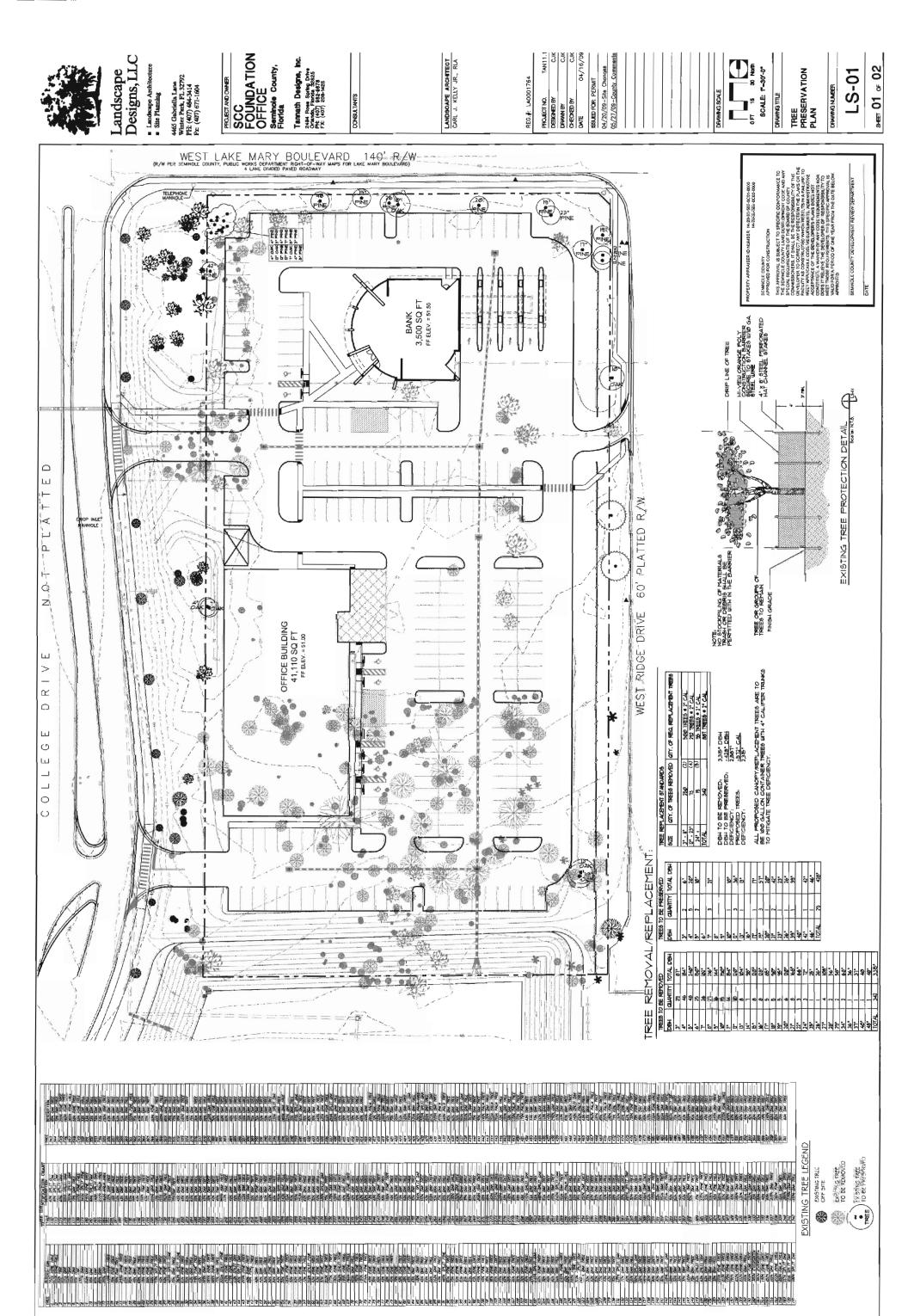


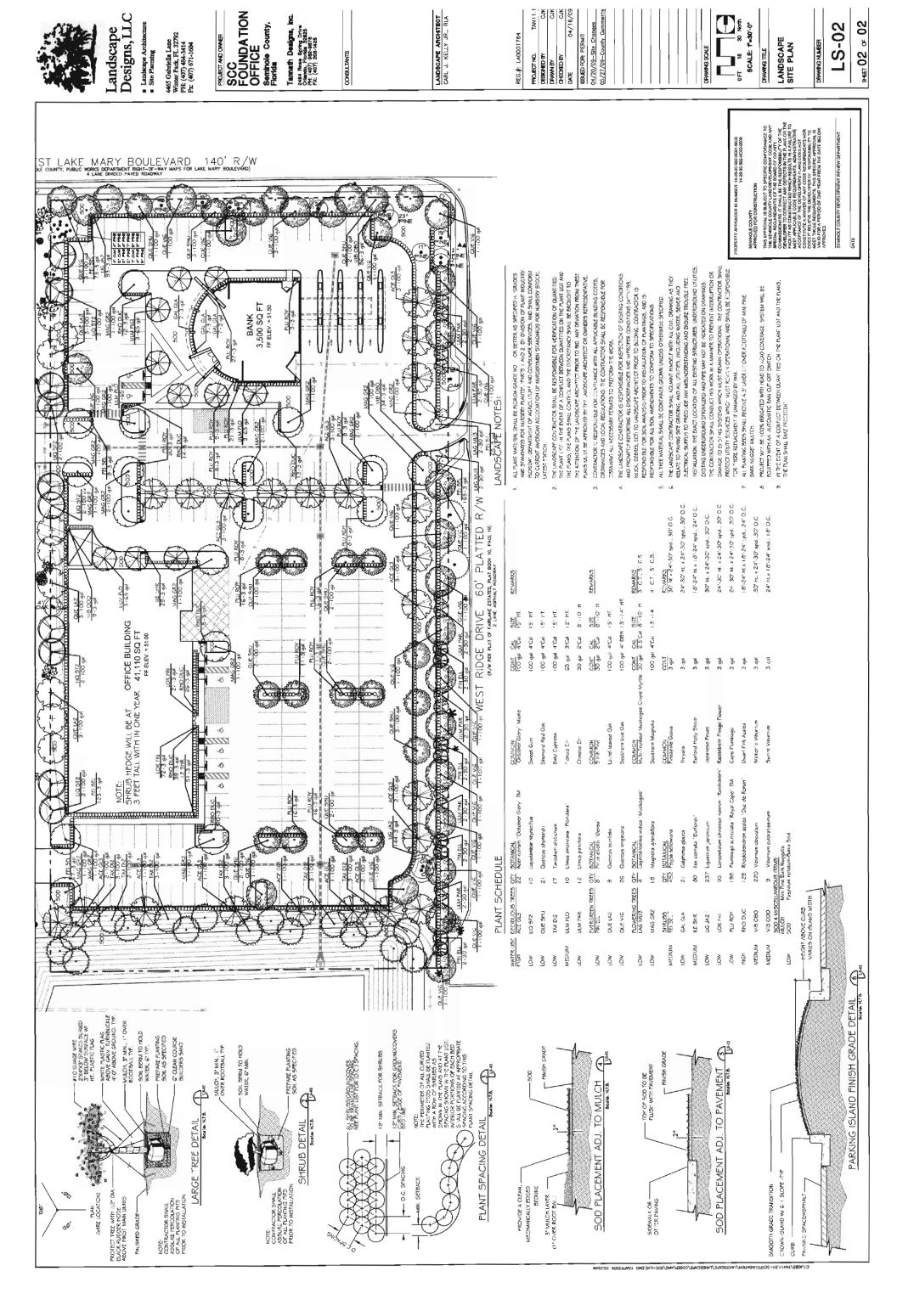


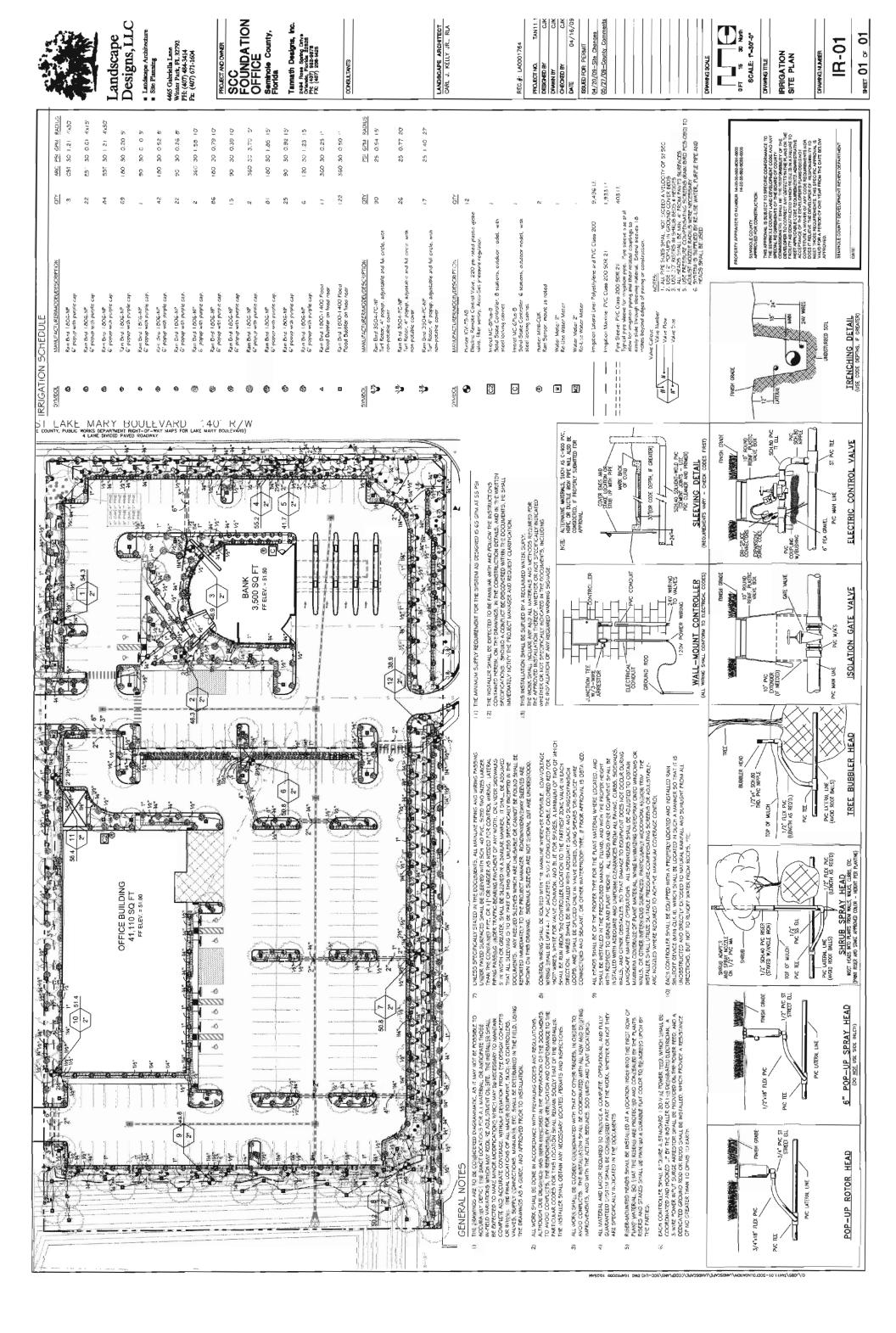












### SEMINOLE COUNTY REVISED AND RESTATED DEVELOPMENT ORDER

RECEIVED JUL 0 6 2009

On March 25, 2008 Seminole County issued this perelognous order or and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforedescribed legal description has been provided to Seminole County by the owner of the aforedescribed property.)

### FINDINGS OF FACT

Property Owner (s):

Seminole Community College Foundation

Insight Financial Credit Union

**Project Name:** 

SCC Foundation Rezone

### Requested Development Approval:

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owners of the property have expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforedescribed property.

Prepared by: Austin Watkins
1101 East First Street
Sanford. Florida 32771

MARYANNE MORSE, CLERK OF CIRCUIT COURT CLERK OF SEMINOLE COUNTY BK 07213 Pgs 0878 - 958; (81pgs) FILE NUM 2009070977 RECORDED 06/30/2009 02:51:15 PM RECORDING FEES 69.50 RECORDED BY G Harford

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA

BY COACH DEPUTY CLERK

1

### NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development's approval, all of which have been accepted by and agreed to by the owner of the property are as follows;

### Standard Conditions:

- a. All development shall comply with the Development Plan attached as Exhibit B.
- b. The maximum building height shall be two stories, not to exceed 35'.
- c. Permitted uses shall be those permitted uses in the OP (Office) district.
- d. All landscape buffers and common areas shall be maintained by a property owners association.
- e. In accordance with Section 30.1344 of the Land Development Code, a minimum of twenty-five (25) percent of the project area must be designated as open space.

### **Project Specific Conditions:**

a. The project shall be developed with a total of 44,610 square feet, as follows:

	Building A	Building B (Bank) Building	Total
Square Feet	41,110 sq. ft.	4,000 sq. ft.	45,110 sq. ft.

b. The following landscape buffer and setback standards shall apply:

East: 25' landscape buffer and 50' building setback for one-story buildings and 100' building setback for two-story buildings. The buffer shall comply with the following:

- The buffer must include at a minimum a 6-foot brick or block wall with a decorative finish, eight canopy trees and four subcanopy trees per one hundred linear feet; and
- The required landscaping must be planted on the outside of the wall adjacent to West Ridge Drive as a visual amenity to the residents.

West: 10' landscape buffer and 10' building setback North: 15' landscape buffer and 50' building setback South: 15' landscape buffer and 10' building setback

- c. The development must comply with Chapter 30 Part 56 of the Seminole County Land Development Code: Lake Mary Boulevard Gateway Corridor Overlay Standards. All HVAC equipment must be screened from view.
- d. Light poles along W. Ridge Drive are limited to 15' in height and must be downward directed and shielded in accordance with the Seminole County Land Development Code.
- e. Wall pack lighting is prohibited.
- f. The access onto W. Ridge Drive shall be right-in only.
- g. The Final Engineering Plan shall be brought back to the Board of County Commissioners as a Regular Agenda item for their review and approval.
- h. An ATM shall be allowed in the drive through, only on the building.
- i. There shall be an internal sidewalk system connecting all buildings to the existing sidewalk on College Drive.
- There shall be one pedestrian walkway connecting the internal sidewalk system to West Ridge Drive.
- k. Signage adjacent to or oriented towards West Ridge Drive shall be prohibited. All signage must be oriented towards Lake Mary Boulevard or College Drive.
- (4) This Development Order touches and concerns the aforedescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owners of the said property have expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

cDL

Done and Ordered on the date first written above.

Attest

Maryanne Morse

Clerk to the Board of County Commissioners

Board of County Commissioners

Bob Dallari, Chairman

### **OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, Seminole Community College Foundation, Inc, Matthew Hodge, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Elaine a dannelle Witness	_
ELAINE A. JANNEL	<u>_</u> /
Print Name  Ekwina Midkiff  Witness	
Edwina MidKiff Print Name	
STATE OF FLORIDA )	`
COUNTY OF SEMINOLE )	)

Matthew Hodge, Director

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Matthew Hodge, who is personally known to me or who has produced as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this <u>274</u>day of <u>Moy</u>, 2009.



Notary Public, in and for the County and State Aforementioned

My Commission Expires: 6/22/20/2

**Bonded By National Notary Ass** 

### OWNER'S CONSENT AND COVENANT

**COMES NOW,** the owner, Insight Financial Credit Union, Richard Simonton, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

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Witness	
CINDY ARENIT	The Sunta &
Print Name	Richard Simonton, CEO
KHOIST	
Witness	
Kristy Moist Print Name	
Print Name	
STATE OF FLORIDA )	
COUNTY OF SEMINOLE )	
State and County aforesaid to take ac	is day, before me, an officer duly authorized in the knowledgments, personally appeared Matthew e or who has produced as identification and who d sworn an oath.
WITNESS my hand and official seal in of, 2009.	the County and State last aforesaid this <u>/O</u> day
	Notary Public, in and for the County and State Aforementioned
	My Commission Expires:  JONA. PETRZALA  Notary Public - State of Florida  My Commission Expires Nov 24, 2009

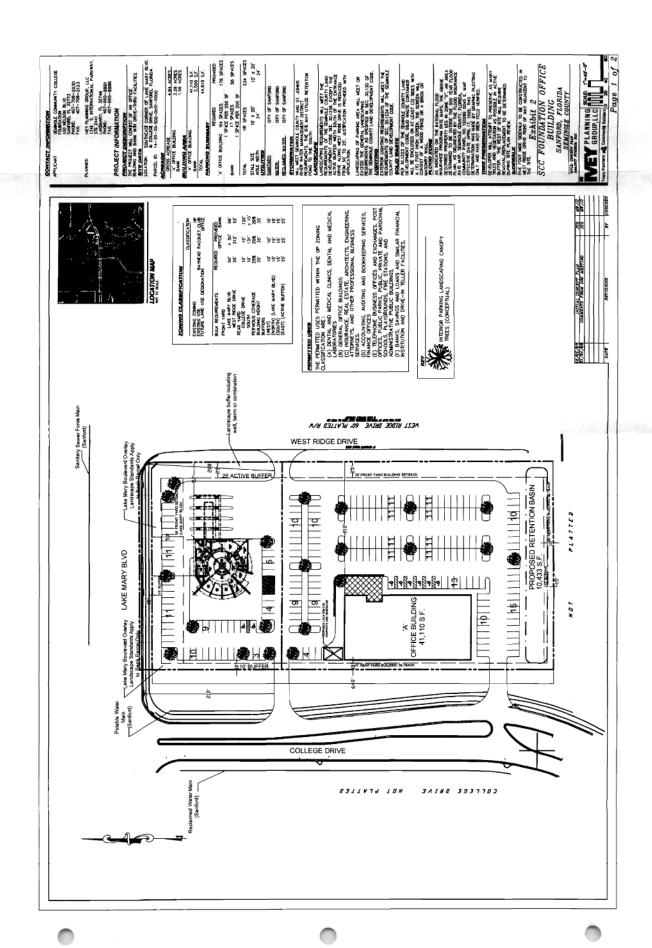
### **EXHIBIT A**

### Legal Description

The East 330 feet of the North 660 feet of Block C, Fairlane Estates, according to the plat thereof as recorded in Plat Book 10, Page 19, of the public records of Seminole County, Florida.

### EXHIBIT B Site Plan

### LEGIBILITY UNSATISFACTORY FOR SCANNING



District Commissioner Carey recommended approval.

Motion by Commissioner Van Der Weide, seconded by Commissioner McLean to approve the Voluntary Billboard Agreement, as shown on page \_\_\_\_\_\_, between Seminole County and Clear Channel Outdoor for property located west of I-4, approximately 1400 feet southeast of the intersection of Orange Boulevard and Dunbar Avenue, as described in the proof of publication, Clear Channel Outdoor.

Districts 1, 2, 3, 4 and 5 voted AYE.

### REQUEST TO REZONE FROM OP TO OP, MATTHEW HODGE

Proof of publication, as shown on page \_\_\_\_\_\_, calling for a public hearing to consider a request to rezone from OP (Office) to OP (Office) on approximately 4.84 acres, located on the southeast corner of the intersection of College Drive and Lake Mary Boulevard, Matthew Hodge, received and filed.

Planner, Austin Watkins, presented the request, advising the applicant is requesting the rezoning for the purpose of modifying the previously approved site plan to add two additional access points onto College Drive. The modification will also reduce the total office square footage from 48,966 square feet to 45,110 square feet. He further advised that the project is now associated with the Seminole Community College Foundation and the proposed site plan has three access points, which include two on College Drive and one on West Ridge Drive. Staff is recommending approval of the access point on West Ridge Drive, subject to the following: (1) The access onto West Ridge Drive shall be right-in, right-out only; and (2) Signage adjacent to or oriented towards West Ridge Drive shall be prohibited and must be oriented towards Lake Mary Boulevard or College Drive.

Watkins stated that the applicant is also requesting a waiver to the LDC to reduce the active buffer required along the west property line adjacent to West Ridge Drive from 50 feet to 25 feet. Staff recommends approval of the reduction, subject to following: (1) The buffer must include, at a minimum, a 6-foot brick or block wall with a decorative finish, eight canopy trees and four sub-canopy trees per 100 linear feet; and (2) The landscaping must be planted on the outside of the wall adjacent to West Ridge Drive as a visually amenity to the residents. He advised the P&Z Commission recommended approval of the request subject to no access to West Ridge Drive. He added that staff recommends approval subject to the Revised & Restated Development Order.

Matthew West, representing SCC, addressed the Board to state the main issue when the request was heard by the P&Z Commission was the access onto West Ridge Drive. He said the transportation policy of the Comp Plan dealing with this issue is not an outright prohibition, but it encourages the access to be on a collector or arterial road. He stated the problem is that the collector road (Lake Mary Boulevard) does not have enough separation to allow for another curb cut. He said there are other sites on Lake Mary Boulevard whose properties have access to either Fifth or Fourth Streets.

Steve Nevelip (phonetic), representing the applicant, addressed the Board to advise the submitted plan allows the college to build approximately 40,000 square feet of office. He said they have moved the entrance on West Ridge Drive to the north 75 feet and they believe that will reduce the impact to the neighborhood. He further said that the two homeowners who will be affected the most have submitted letters in support of this request.

Upon inquiry by Commissioner Henley, Mr. Nevelip advised there will be up to 160 people occupying the building.

Donald Tise, 124 Lake Minnie Drive, addressed the Board to speak in support of the development as approved by the P&Z Commission with no access onto West Ridge Drive. He stated that for 2/3 of the residents of Fairlane Estates, West Ridge Drive is only one of two west-bound exits out of the subdivision and there is already a tremendous problem with getting out of the subdivision.

County Engineer, Jerry McCollum, discussed the possibility of extending Lake Avenue (one-way) in order to get the residents over to College Drive, stating he would not recommend it, due to safety concerns.

Upon inquiry by District Commissioner Carey, Mr. McCollum stated if the access was limited to a right-in only, that would eliminate any cut-through traffic.

No one else spoke in support or in opposition.

Speaker Request Form was received and filed.

District Commissioner Carey recommended approval of the request, subject to a right-in only off of West Ridge Drive and no access out to the road. She stated she does not see the need anymore to have the requirement that the building have residential architecture.

 only access to West Ridge Drive (but no access out to the road) and the elimination of the language requiring residential architecture, based on staff findings.

Districts 1, 2, 3, 4 and 5 voted AYE.

### CONSIDERATION OF ETHICS ORDINANCE

Proof of publication, as shown on page \_\_\_\_\_, calling for a public hearing to consider the Ethics Ordinance, received and filed.

County Attorney, Robert McMillan, presented the proposed ordinance, advising the ordinance includes ethical standards to govern the conduct of staff, appointees and commissioners.

Chairman Carey said she believes the Board of Adjustment and the Planning & Zoning Commission appointments should be included in the ordinance.

Commissioner Van Der Weide stated he would not have a problem including those groups.

Chairman Carey stated she also would like to have County employees included.

No one spoke in support or in opposition.

Motion by Commissioner Van Der Weide, seconded by Commissioner McLean to adopt Ordinance #2008-16, as shown on page \_\_\_\_\_\_, Ethics Ordinance, as described in the proof of publication, amended to include employees, Planning & Zoning Commission and Board of Adjustment appointees.

Districts 1, 2, 3, 4 and 5 voted AYE.

### LEGISLATIVE UPDATE

Assistant County Manager, Sabrina O'Bryan, addressed the Board to give an update on the County's Legislative program, advising the Taxation & Budget Reform Commission has scheduled meetings for March

### SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On September 22, 2009, Seminole County issued this Denial Development Order relating to and touching and concerning the following described property:

### See Attached Exhibit A

(The aforedescribed legal description has been provided to Seminole County by the owner of the aforedescribed property.)

**Property Owner(s):** SCC Foundation Inc.

100 Weldon Blvd. Sanford, Fl 32773

Insight Financial Credit Union

480 S. Keller Rd. Orlando, Fl 32810

**Project Name:** SCC Foundation Site Plan

**Requested Development Approval:** Site Plan approval for 4.84± acres, located on the south east corner of the intersection of College Drive and Lake Mary Boulevard.

The Board of County Commissioners has determined that the request to approve the SCC Foundation Site Plan is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "SCC Foundation Site Plan" and all evidence submitted at the public hearing on September 22, 2009, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested SCC Foundation Site Plan should be denied.

### **ORDER**

### NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first written above.

SEMINOLE COUNT	Y BOARD OF	COUNTY
COMMISSIONERS		

By:	
-	Bob Dallari, Chairman

### **EXHIBIT "A"**

### LEGAL DESCRIPTION

E 330 FT OF N 660 FT OF BLK C (LESS N 20 FT FOR RD & S 432.97 FT) FAIRLANE ESTATES PB 10 PG 19